

1 William T. Payne (90988)
2 **STEMBER FEINSTEIN DOYLE**
3 **& PAYNE, LLC**
4 1007 Mount Royal Boulevard
5 Pittsburgh, PA 15223
6 Tel: (412) 492-8797
7 Fax: (412) 492-8978

8 Ellen M. Doyle
9 **STEMBER FEINSTEIN DOYLE**
10 **& PAYNE, LLC**
11 429 Forbes Avenue, 17th Floor
12 Pittsburgh, PA 15219
13 Tel: (412) 281-8400
14 Fax: (412) 281-1007

15 Joseph N. Kravec, Jr.
16 **SPECTER SPECTER EVANS.**
17 **& MANOGUE, P.C.**
18 The 26th Floor Koppers Building
19 Pittsburgh, PA 15219
20 Tel: (412) 642-2300
21 Fax: (412) 642-2309

22 **ATTORNEYS FOR PLAINTIFF**

23 **IN THE UNITED STATES DISTRICT COURT**
24 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

25 ARAN EISENSTAT,
26 on behalf of himself and all others
27 similarly situated,

28 Plaintiff,

v.

DIAMOND FOODS, INC.,
a Delaware corporation,

Defendant.

CASE NO.: 3:10-cv-01252-SC

CLASS ACTION

**PLAINTIFF'S VOLUNTARY
DISMISSAL OF THE ACTION**

1 TO THE COURT AND ALL PARTIES

2 WHEREAS, Plaintiff hereby voluntary dismisses, pursuant to Fed.R.Civ.P. 41(a)(1)(A), all
3 claims against Defendant, without prejudice; and

4 WHEREAS, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), Plaintiff hereby files this notice of
5 dismissal before Defendant has served either an answer or a motion for summary judgment;

6 PLAINTIFF HEREBY dismisses this action in its entirety without prejudice.

7
8 Dated: March 31, 2010

9 By: William T. Payne
10 William T. Payne
11 **STEMBER FEINSTEIN DOYLE**
12 **& PAYNE, LLC**
13 1007 Mount Royal Boulevard
14 Pittsburgh, PA 15223
15 Telephone: (412) 492-8797
16 Facsimile: (412) 492-8978

17 Ellen Doyle
18 **STEMBER FEINSTEIN DOYLE**
19 **& PAYNE, LLC**
20 429 Forbes Avenue
21 Allegheny Building, 17th Floor
22 Pittsburgh, PA 15219-1639
23 Telephone: (412) 281-8400
24 Facsimile: (412) 281-1007

25 Joseph N. Kravec, Jr.
26 **SPECTER SPECTER EVANS**
27 **& MANOGUE, P.C.**
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